

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 22189

PERMIT 15304

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE,
REDUCTION IN AMOUNT AND SEASON,
DELETION IN TWO POINTS OF DIVERSION AND
TERM 14, CORRECTION IN THE
DESCRIPTION OF THE REMAINING POINTS OF
DIVERSION AND PLACE OF USE AND AMENDING
THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.
3. A number of reductions, deletions and corrections are being made in the permit as a result of recommendations made by the Board's engineer when he inspected the site in 1984.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 8 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 1, 1990

2. Paragraph 9 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1996

3. Paragraph 2 of this permit regarding points of diversion is amended to read as follows:

1. Unnamed Spring - North 2,650 feet and East 1,300 feet from SW corner of Section 18, T40N, R3W, MDB&M, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 18.
2. Unnamed Spring - (aka Cascade Spring) - North 2,700 feet and East 800 feet from SW corner of Section 18, T40N, R3W, MDB&M, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 18. Both springs are tributary to unnamed streams thence Big Canyon Creek thence Sacramento River.

4. Paragraph 3 and 4 of this permit regarding the place of use and purpose of use is amended as follows:

Domestic use - Within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24, and N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 36, both in T40N, R4W, MDB&M and W $\frac{1}{2}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30, T40N, R3W, MDB&M as shown on map on file with SWRCB.

5. Paragraph 5 of this permit regarding the amount and season is amended as follows:

The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 0.46 cubic foot per second by direct diversion to be diverted from September 1 of each year to June 30 of the succeeding year. Maximum amount diverted under this permit shall not exceed 90 acre-feet per year. (000 000 5)

6. Paragraph 11 of this permit is deleted. A new Paragraph 11 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (000 0012)

7. Paragraph 14 of this permit is deleted.

Dated: APRIL 29 1986

Lloy Johnson

Lloy Johnson, Interim Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 22189

PERMIT 15304

LICENSE _____

ORDER APPROVING A CHANGE IN PERMIT TERMS

WHEREAS:

1. Decision 1594 was adopted by the State Water Resources Control Board on November 17, 1983.
2. Order WR 84-2 Amending Decision 1594 was adopted by the State Water Resources Control Board on February 1, 1984.
3. The Decision and the Order set forth changes to be made in permits containing Standard Water Right Permit Term 80.

NOW, THEREFORE, IT IS ORDERED:

1. Standard Water Right Permit Term 91 is added to the permit as follows:

"No diversion is authorized by this permit when satisfaction of inbasin entitlements requires release of supplemental Project water by the Central Valley Project or the State Water Project.

- a. Inbasin entitlements are defined as rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin of the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.
- b. Supplemental Project water is defined as water imported to the basin by the Projects, and water released from Project storage, which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

"The Board shall notify the permittee of curtailment of diversion under this term after it finds that supplemental Project water has been released or will be released. The Board will advise the permittee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental Project water provided by the Project operators."

(0000091)

Dated: JUNE 26 1984

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 22189

PERMIT 15304

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. It appears that the permittee has proceeded with diligence and that good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

CONSTRUCTION WORK SHALL BE COMPLETED
ON OR BEFORE

DECEMBER 1, 1983

APPLICATION OF THE WATER TO THE PROPOSED USE
SHALL BE COMPLETED ON OR BEFORE

DECEMBER 1, 1983

2. Paragraph 11 of the permit be amended to read as follows:

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and

(6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

3. Paragraph 15 be added to the permit as follows:

The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(000 0013)

Dated: AUGUST 22 1979


Michael A. Campos, Chief
Division of Water Rights

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ROOM 1015, RESOURCES BUILDING

1416 NINTH STREET • SACRAMENTO 95814



ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

PERMIT 15304

APPLICATION 22189

WHEREAS A PETITION FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT AND APPLY THE WATER TO THE PROPOSED USE HAS BEEN FILED WITH THE STATE WATER RESOURCES CONTROL BOARD; AND

WHEREAS IT APPEARS THAT THE PERMITTEE HAS PROCEEDED WITH DILIGENCE AND THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME; AND

WHEREAS THE STATE WATER RESOURCES CONTROL BOARD HAS DULY AUTHORIZED THE CHIEF, DIVISION OF WATER RIGHTS TO SIGN THIS ORDER;

NOW THEREFORE IT IS ORDERED THAT A NEW DEVELOPMENT SCHEDULE BE APPROVED AS FOLLOWS:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1974

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL
BE COMPLETED ON OR BEFORE DECEMBER 1, 1974

IT IS FURTHER ORDERED THAT THE TOTAL ANNUAL DIVERSION AND USE ALLOWED UNDER SAID PERMIT 15304 BE LIMITED TO 90 ACRE-FEET, AND PARAGRAPH 11 OF THE PERMIT IS AMENDED TO READ AS FOLLOWS:

"ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER. PERMITTEE SHALL TAKE ALL REASONABLE STEPS NECESSARY TO MINIMIZE WASTE OF WATER, AND MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE TAILWATER OR TO REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. AT ANY TIME AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THE BOARD MAY IMPOSE SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT, WITH A VIEW TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE."

DATED: DEC 14 1972

K. L. Woodward
K. L. WOODWARD, CHIEF
DIVISION OF WATER RIGHTS

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RIGHTS BOARD

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT NO. 15304

Application 22189 of Robert M. O'Brien and Edith O'Brien (over)
P. O. Box 11, Dunsmuir, California 96025

filed on June 14, 1965, has been approved by the State Water Rights Board
SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Name of source(s):

Tributary to:

- | | |
|-----------------------------------|------------------------------------|
| (a) <u>Bear Spring</u> | (a) <u>Unnamed stream</u> |
| (b) <u>Unnamed springs, three</u> | (b) <u>Unnamed stream</u> |
| (c) <u>McGinnis Spring</u> | (c) <u>Unnamed stream thence</u> |
| (d) _____ | (d) <u>Big Canyon Creek thence</u> |
| (e) _____ | (e) <u>Sacramento River</u> |

2. Location of point(s) of diversion:

Bearing and distance or coordinate distances from section corner or quarter-section corner	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(a) <u>N 400' and W 200' from SE corner of Section 18</u>	<u>SE 1/4 of SE 1/4</u>	<u>18</u>	<u>4ON</u>	<u>3W</u>	<u>MDB&M</u>
(b) <u>N 2600' and W 4000' from SE corner of Section 18</u>	<u>NW 1/4 of SW 1/4</u>	<u>18</u>	<u>4ON</u>	<u>3W</u>	<u>MDB&M</u>
(c) <u>N 3000' and W 800' from SE corner of Section 8</u>	<u>SE 1/4 of NE 1/4</u>	<u>8</u>	<u>4ON</u>	<u>3W</u>	<u>MDB&M</u>
(d) _____	<u>1/4 of 1/4</u>				
(e) _____	<u>1/4 of 1/4</u>				

County of Siskiyou

3. Place of use: Domestic use and irrigation of 154 acres by gravity diversion consisting of domestic use in SE1/4 of SE1/4 of Section 24, and domestic use and irrigation of 35 acres in NE1/4 of NE1/4 and 10 acres in NW1/4 of NE1/4 of Section 36, all in T4ON, R4W; also domestic use and irrigation of 40 acres in SE1/4 of SW1/4, 35 acres in SW1/4 of SW1/4, and 35 acres in NW1/4 of SW1/4 of Section 30, T4ON, R3W, MDB&M, as shown on map filed with the State Water Rights Board.

4. Purpose(s) of use: Irrigation and domestic

L. K. Hill
Executive Officer

STATE WATER RIGHTS BOARD

Dated: FEB 24 1967

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any water right for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

4/29/86
deleted

- Board will be taken only after notice to interested parties and opportunity for hearing.
14. The State Water Rights Board reserves jurisdiction over this permit for the purpose of conforming the season of diversion to later findings of the Board on prior applications involving water in the Sacramento River Basin and Delta. Action by the Board will be taken only after notice to interested parties and opportunity for hearing.
13. The issuance of this permit shall not be construed as conferring upon the permittee right of access to the point of diversion. (vvv 0022)
12. Permittee shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (vvv 0011)
11. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water. (vvv 0012) amended 4/29/86
10. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued. (vvv 0010)
9. Complete application of the water to the proposed use shall be made on or before December 1, 1970. (vvv 0009)
8. Said construction work shall be completed on or before December 1, 1969. (vvv 0008)
7. Actual construction work shall begin on or before September 1, 1967, and if not so commenced and prosecuted this permit may be revoked. (vvv 0007)
6. The maximum quantity herein stated may be reduced in the license if investigation warrants. (vvv 0006)
5. The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 1 cubic foot per second by direct diversion to be diverted as follows:
- a. Diversion from January 1 to December 31 of each year from McGinnis Spring.
 - b. Diversion from about March 1 to about June 30 and from about September 1 to about October 31 of each year for irrigation, and from about September 1 of each year to about June 30 of the succeeding year as required for domestic purposes from Bear Spring and three unnamed springs.
- (vvv 0005) amended 4/29/86

Q. 15304

11-29-84 asgd to Mountainside Water Company.